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21. **PROMOTION.** This regulation provides for the promotion of personnel with staff status to grades up to and including GS-15. It does not apply to the promotion of employees to grades GS-16, 17, and 18; to the promotion of employees who occupy positions compensated in accordance with Wage Classification Schedules; or to specially qualified scientific personnel who are covered by [REDACTED]

a. **POLICY**

- (1) Promotion is based on merit. Eligibility for promotion rests on the specific assessment that the employee is qualified to undertake higher level responsibilities. The primary assessment mechanism employed, though others may be utilized with the approval of the Director of Personnel, is that of comparative evaluation of employees in a particular grade and/or function. The elements to be considered in making assessments concerning ability to perform at higher levels of responsibility are: qualification for such responsibilities; performance in duties providing insight relating to advancement potential; performance in tasks that may be already at a higher level of responsibility than present grade; display of personal qualities that would support at least proficient performance at a higher level; and an overall evaluation of ability to perform at a higher level of responsibility either in the same function or a different function, which might include supervisory or staff responsibilities.
- ↳ (2) Each Career Service comprises a competitive area for promotion for members of that service. The Head of a Career Service may establish separate areas of competition within that service when necessary because of differences in occupation or functional lines of work.
- (3) Personnel serving on assignment outside their own component or outside the Agency must receive equal consideration for promotion along with personnel not so assigned.
- (4) Promotions are limited to one-grade advancements. Exceptions to this policy will be made only when the Director of Personnel determines, upon recommendation of the Head of the Career Service concerned, that exception is justified.
- (5) The comparative evaluation of personnel in grades GS-09 through GS-14 must be accomplished by the Heads of Career Services at least annually and will be done through the mechanism of Career Boards and, where appropriate, Career Panels, unless some other mechanism, such as an Assessment Center, is approved by the Director of Personnel.
- (6) Employees in grades GS-08 and below may be evaluated for the purpose of promotion at any time that Heads of Career Services consider it appropriate, but at least annually. As the assessment function is important for such personnel, use of comparative evaluation is recommended.
- (7) Those employees who give indication that they will be exceptional performers at higher levels of responsibility should not be constrained by time-in-grade guidelines if they are otherwise qualified for advancement.
- ↳ (8) The bases for promotion of employees from the list of those eligible are: comparative ranking; the number of employees who may be promoted within grade ceiling constraints; and the specific comparison of qualified individuals against positions to be filled, where practicable. Time-in-grade is a guideline, not a rigid requirement.
- (9) Promotion recommendations may be submitted in accordance with procedures and time schedules established by Heads of Career Services. Promotion recommendations will not be made on Fitness Reports.

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- (10) The regulation pertaining to personal rank assignment [redacted] is to be observed.
- (11) The Director of Personnel will not process recommendations for promotion of employees in the absence of the last Fitness Report scheduled in accordance with [redacted] or approved exceptions, or a currently executed Fitness Report.
- (12) Career Services will retain for at least five years records of any evaluating body of the basis for its ranking of individuals within a group being evaluated in conformity with the provisions of paragraph a(1).
- (13) Career Services are responsible for publishing in their Personnel Handbooks the details of the way in which evaluation procedures incorporate the elements specified in paragraph a(1). The Director of Personnel will review such procedures to assure that
- ↳ they conform to Agency regulations and policies.

b. RESPONSIBILITIES

- (1) SUPERVISORS. Supervisors at all levels are responsible for providing Boards/Panels with performance appraisals in furtherance of the comparative ranking activity and, in the absence of provision for Board/Panel review of a particular grade class or function, are responsible for evaluating the merit for promotion of employees under their jurisdiction and for making the appropriate recommendations to the Head of the Career Service. Where employees are under the cognizance of a Career Board or Panel for ranking purposes, supervisors may, if authorized by the Career Service, make promotion recommendations through such Boards or Panels in accordance with the procedures of the Career Service.
- ↳ (2) HEADS OF CAREER SERVICES. The Head of each Career Service is responsible for:
 - (a) Developing and disseminating uniform promotion criteria in accordance with [redacted]
 - (b) Providing the evaluation panels with uniform criteria for ranking in accordance with [redacted]
 - ↳ (c) Continuing validation of the criteria utilized in the selection of employees for promotion.
 - (d) Ensuring that the principle of comparative evaluation is followed as established by regulation and where extended by Career Service policies.
 - (e) Determining competitive areas in the Career Service.
 - (f) Recommending promotions to the Director of Personnel in accordance with the provisions of this regulation.
- (3) DIRECTOR OF PERSONNEL. The Director of Personnel is responsible for:
 - (a) Ensuring compliance with this regulation by continuous review of the Agency's comparative evaluation and promotion program, and
 - (b) Reviewing all promotion requests and approving promotion actions that conform to the provisions of Agency regulations.

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27. **SEPARATION BY THE AGENCY.** As appropriate under statute, an employee may be separated from the Agency by action of the Director of Central Intelligence. An employee is entitled to retirement benefits, if otherwise qualified, unless guilty of offenses specified by statute. An employee not entitled to retirement benefits is entitled to separation compensation, subject to the provisions of [REDACTED] unless separated for reasons of misconduct, delinquency, or inefficiency.

a. **SEPARATION DURING TRIAL PERIOD.** Heads of Career Services are responsible for identifying employees under their jurisdiction who do not successfully complete the first year trial period. The purpose of the trial period is to permit assessment of the employee to determine that continued employment is in the best interests of both the employee and the Agency. The Head of Career Service, or designee, will notify the Director of Personnel before the close of the first year trial period if continuation of employment is not recommended. The Director of Personnel will review the case and if concurring with noncontinuation will terminate employment, notifying the employee of the reasons for separation and the effective date of the action.

b. **TERMINATION OF CONTRACT.** The conditions governing termination by either party prior to the termination of a contract are governed by the terms of the contract.

c. **TERMINATION FOR FAILURE TO MEET THE WORK AND EFFICIENCY REQUIREMENTS OF THE AGENCY.** An employee who fails to meet the work and efficiency requirements of the Career Service or fails to perform adequately the duties of the assigned position should be considered for administrative action which may, under the procedures applying, include separation from the Career Service and, possibly, the Agency.

d. **TERMINATION FOR FAILURE TO MEET SECURITY OR MEDICAL STANDARDS.** The Director of Security and the Director of Medical Services will make appropriate recommendations to the Director of Personnel when an employee does not meet Agency security or medical standards.

e. **TERMINATION FOR FAILURE TO MEET STANDARDS OF CONDUCT.** The Agency standards of employee conduct are set forth in [REDACTED] Heads of Career Services will ensure that appropriate officials take or initiate corrective or disciplinary action as necessary. If warranted, Heads of Career Services will forward a recommendation for separation to the Director of Personnel if an employee fails to meet Agency standards of conduct.

f. **TERMINATION FOR ABANDONMENT OF POSITION.** An employee who abandons a position may be separated without following the usual procedures for involuntary separation. After the employee's failure to report for duty or to return from leave, an effort should be made to determine the employee's intentions. If this cannot be done within ten days, the employee may be separated for abandonment of position. The separation will be effective the last day of active duty or of approved leave, whichever is later. Notice of separation will be mailed to the employee's last known address. If later evidence indicates that the abandonment was not the fault of the employee, the employee will be reinstated and back pay restored.

g. **DETERMINATION OF LEGAL INCOMPETENCE.** An employee who is declared mentally incompetent by court action and who is not eligible for disability retirement will be separated by the action, "Separation—Legal Incompetence."

h. **SEPARATION OF EXCESS PERSONNEL**

- L (1) If an employee is excess to the needs of a component and requests assistance for reassignment, an effort will be made first by the Career Service and then by the Office of

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- Personnel to find suitable employment elsewhere in the Agency. If these efforts fail, the employee may be found excess to the needs of the Agency and separated.
- (2) The grounds for finding an employee excess to the needs of a component are:
- (a) The component is overstrength overall or in a particular grade or functional element;
 - (b) There is no longer a requirement for the particular skills or qualifications possessed by the employee; or
 - (c) A reduction or elimination of the functions of the component thereby requiring a reduction in staff.

i. LOW RANKING—WITH NOTIFICATION—IN TWO CONSECUTIVE YEARS. It is Agency policy to monitor the overall level of employee performance by application of comparative ranking to identify employees whose performance and potential are low in comparison with other employees of the same grade and functional category. The various evaluation panels and boards subordinate to a Career Service will identify employees who rank in the bottom three percent of those being ranked. They will then identify any of these who have, in the judgment of the panel, significant problems (relative to their peers) in performance, attitude affecting performance, or willingness to accept assignment in the interests of the Agency. The names of employees so identified will be sent, along with other pertinent material, to the Head of the Career Service, who will review the list, making deletions where circumstances do not support further action. After these deletions, the remaining employees on the list will be notified of the low ranking, the reasons for it, the availability of counseling to assist any effort to improve ranking, and the consequences of low ranking in a consecutive year. Upon notification of low ranking in a second consecutive year, the administrative action, depending upon the circumstances of the case, may include counseling, reassignment, downgrading, or separation. If the Head of the Career Service determines that separation is warranted under this paragraph, the case will be reviewed with the Director of Personnel before initiating separation procedures.

j. OTHER TERMINATION IN THE INTERESTS OF THE AGENCY. In addition to paragraphs a through i, employees may be terminated if the Director of Central Intelligence determines it necessary and advisable in the interest of the Agency or for other reasons contributing to the efficiency of the Agency.

k. RESPONSIBILITIES

- (1) **HEADS OF CAREER SERVICES.** The Heads of the five Career Services are responsible for identifying employees under their jurisdictions who should be considered for separation. They or their designees will review each case with the Director of Personnel or designee and, when appropriate, recommend to the Director of Personnel termination of the individual's employment.
- (2) **DIRECTOR OF SECURITY.** When warranted by the information available, and after notifying the appropriate Head of Career Service, the Director of Security will recommend to the Director of Personnel the termination of the employment of an Agency employee and advise the Director of Personnel of the security factors bearing on the recommended separation. When the Director of Security considers an individual case to be so sensitive that disclosure should initially be made only to the Director of Central Intelligence for determination of the action to be taken, such procedure will be followed.
- (3) **DIRECTOR OF MEDICAL SERVICES.** When findings warrant, the Director of Medical Services will recommend to the Director of Personnel the disability retirement of an employee or the termination of employment on grounds of medical

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disqualification. The Director of Medical Services also will advise the Director of Personnel of medical factors bearing on recommended separations.

- (4) **DIRECTOR OF PERSONNEL.** Subject to the consideration set forth in paragraph m, the Director of Personnel will ensure compliance with the procedures established by this regulation and will take appropriate action or recommend action to the Director of Central Intelligence.

l. Not used

- m. PROCEDURES.** Normally, separations by the Agency will be effected in accordance with the procedures outlined below. They should be followed insofar as practicable, but there may be circumstances of a case that make these procedures impractical or undesirable, and the case should be handled in a manner conforming to the circumstances. Moreover, to meet the responsibilities placed upon the Agency and pursuant to statutory authority, any employee may be separated immediately and without regard to any suggested procedural steps when the Director of Central Intelligence considers it necessary or advisable in the interests of the United States.

- (1) A Head of a Career Service or designee who plans to recommend the separation of an employee will first review the case with the Director of Personnel or designee.
- (2) Upon recommendation to the Director of Personnel or the Head of the Career Service that an employee be separated, the Director of Personnel or designee will confirm to the employee that such a recommendation has been made and will give the reasons for the action being considered, as presented by the Career Service. The employee will be offered the opportunity to comment orally or in writing within ten days.
- (3) If the Director of Personnel, after review, decides not to recommend termination of the individual's employment, the Head of the Career Service will be consulted as to the appropriate course of action.
- (4) If the Director of Personnel concludes that termination of the individual's employment is to be recommended, the employee will be advised in writing and the case forwarded to the Director of Central Intelligence for decision. The employee will be advised that a written appeal of the termination recommendation may be filed with the Director of Central Intelligence within ten days.
- (5) After reviewing the recommendation of the Director of Personnel to terminate the employment of an employee, and after consideration of any written appeal, the Director of Central Intelligence may:
 - (a) Terminate the individual's employment with the Agency, pursuant to section 102(c) of the National Security Act of 1947, as amended, or any other authority that may be appropriate to the particular case. The effective date of termination will not be less than 30 days after the decision by the Director of Central Intelligence.
 - (b) Disapprove in whole or in part the recommendation of the Director of Personnel.
- (6) The Director of Personnel will notify the employee in writing of the decision of the Director of Central Intelligence.
- (7) The prior steps required in the separation of excess personnel are as follows:
 - (a) If the head of a component determines that an individual is excess to the needs of the component, both the Head of the Career Service and the employee will be advised of the fact. If the employee requests, the Career Service will make an effort to place the employee in another component within that Career Service. If this is not possible, the Career Service will declare the employee excess and notify the employee in writing of that fact. The Director of Personnel also will be advised.

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- (b) When the determination is made that an employee is excess to the personnel requirements of the Career Service, the Head of the Career Service will take into consideration the current and anticipated requirements of the Career Service with respect to such factors as grade and qualifications. The comparative performance of employees also may be a factor in selecting employees to be retained or separated from the Career Service.
 - (c) When requested by an employee declared excess to the requirements of a Career Service, the Director of Personnel will review the qualifications and background in an effort to place the employee elsewhere in the Agency at the same or different grade.
 - (d) If this effort is unsuccessful after an interval of time sufficient to explore the possibility of alternative placement, the Director of Personnel will initiate termination following the prescribed procedure detailed in paragraphs m(1) through (6), including review and possible appeal. After the appropriate review, the Director of Personnel may recommend termination to the Director of Central Intelligence or may request the Head of the Career Service to reconsider the declaration of the employee as excess.
- (8) In some other cases, the following modified procedures apply:
- (a) In the case of abandonment of position, the procedures of paragraph f are to be followed.
 - (b) In the case of separation during the trial period, the procedures of paragraph a are to be followed.
 - (c) Pursuant to statutory authority, the Director of Central Intelligence may separate an employee directly when necessary or advisable in the interests of the United States.
- n. **RESIGNATION IN LIEU OF TERMINATION.** An employee whose separation has been recommended may elect to resign at any time before the effective date of separation. If an employee elects to resign after formal action has been initiated but submits a resignation effective at a future date, the Director of Personnel or designee will determine, after consultation with appropriate officials, whether the best interests of the Agency require continuation of procedures to effect involuntary separation at an earlier date.